

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ANNAMARIE TROMBETTA,

Plaintiff,

against

NORB NOVOCIN, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 993 (RA) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Presently before the Court are several filings concerning: (1) Plaintiff Annamarie Trombetta's request to submit for the Court's review a telephone call ("the Call Application") (See ECF Nos. 114, 116–17); and (2) Defendants WorthPoint Corporation and William Seippel's (together, "WorthPoint Defendants") Motion to Strike Plaintiff's Sur-Reply to the pending Motion to Dismiss ("Motion to Strike") (See ECF Nos. 113, 115, 118).

a) The Call Application

On July 30, 2020, the Court ruled that Plaintiff "will need to produce to the Defendants any discovery that she has in her possession during the discovery phase of this litigation. To the extent that she wants to incorporate information learned from such discovery into her opposition to the pending motion to dismiss (ECF No. 60), she may do so in writing in the opposition, but should not submit the recording to the Court." (ECF No. 88) (emphasis in original).

On October 14, 2020, and then again on October 21, 2020, in the Call Application, Plaintiff requested the Court's permission to submit for review a recording of a telephone call that purports to be between herself and an individual affiliated with Defendant WorthPoint

Corporation. (ECF Nos. 114, 117). WorthPoint Defendants oppose the Call Application, noting the Court's prior ruling. (ECF No. 116).

In light of the Court's clear instruction that Plaintiff "should not submit the recording to the Court" (ECF No. 88), Plaintiff's Call Application is DENIED.

b) Motion to Strike

The Motion to Dismiss filed by the WorthPoint Defendants is pending before the Honorable Ronnie Abrams. (ECF No. 60). As the Court has instructed, "[b]ecause the WorthPoint Defendants' Motion to Quash (ECF No. 107) and Motion to Strike (ECF No. 108) are intertwined with the Motion to Dismiss, Judge Abrams will decide them when ruling on the Motion to Dismiss." (ECF No. 110).

Subsequently, Plaintiff opposed the Motion to Strike (ECF No. 113), WorthPoint Defendants replied (ECF No. 115) and Plaintiff submitted a "last response" to WorthPoint Defendants' reply. (ECF No. 118). The parties are reminded that these matters will be addressed in due course as they are intertwined with the Motion to Dismiss.

The Clerk of Court is respectfully directed to mail a copy of this Order to Ms. Trombetta at the address below.

Dated: New York, New York
October 23, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge

Mail To:

Annamarie Trombetta
175 East 96th Street (12R)
New York, NY 10128